

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Cynthia L. Martin et al.	Examiner:	Gabriel I. Garcia
Serial No.:	10/692,375	Art Unit:	2625
Filed:	October 22, 2003	Docket No.:	200208380-1
Title:	TRAY ACCESS LOCK		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is submitted in support of the Notice of Appeal filed December 8, 2009, appealing the rejection of claims 1, 3, 4, 6-13, 30, 34-41, 45, 46, and 50-56 of the above-identified application as set forth in the Office Action mailed September 8, 2009.

The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **\$540.00** for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1, 3, 4, 6-13, 30, 34-41, 45, 46, and 50-56.

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 11445 Compaq Center Drive West, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 3, 4, 6-13, 30, 34-41, 45, 46, and 50-56 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claims 2, 5, 14-29, 31-33, 42-44, and 47-49 were previously cancelled without prejudice.

Claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa, U.S. Patent No. 5,534,974.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Office Action mailed September 8, 2009.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number (or paragraph number) and to the drawings by reference characters, as required by 37 CFR 41.37(c)(1)(v). Note that the reference to passages in the specification and reference characters in the drawings for each element of the claims does not imply that limitations from the specification and drawings should be read into the corresponding claim element or that these references are the sole sources in the specification and the drawings supporting the claim features.

Independent claim 1 provides a method of limiting access to a media tray including defining a target pass code (e.g., "Pass Code" sub-function 50) associated with a media tray (e.g., "Tray 1") of a network device (e.g., network device 12) by selecting the media tray and receiving the target pass code from a user via a user interface (e.g., control panel 18) associated with the network device; and restricting access to the media tray to print jobs having a job pass code corresponding with the target pass code (see, e.g., Fig. 3; page 3, line 30 - page 6, line 33; Fig. 4; page 7, lines 1-22; page 8, line 3 - page 9, line 24).

Independent claim 30 provides a storage device readable by a processor, tangibly embodying instructions executable by the processor to define a target pass code (e.g., "Pass Code" sub-function 50) associated with a media tray (e.g., "Tray 1") of a network device (e.g., network device 12) by receiving a selection of the media tray and entry of the target pass code from a user via a user interface (e.g., control panel 18) associated with the network device; and restrict access to the media tray to print jobs accompanied by a job pass code having a predefined relationship with the target pass code (see, e.g., Fig. 3; page 3, line 30 - page 6, line 33; Fig. 4; page 7, lines 1-22; page 8, line 3 - page 9, line 24).

Independent claim 45 provides a method of limiting access to a media tray comprising defining a target pass code associated with a media tray of a network device (e.g., network device 12) by sensing a characteristic of media in the media tray and automatically setting the target pass code based on the sensed characteristic (as described, e.g., at page 7, lines 23-27; page 9, lines 25-30); and restricting access to the media tray to print jobs having a job pass code that corresponds with the target pass code (see, e.g., Fig. 4; page 8, line 3 - page 9, line 24).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 under 35 U.S.C. 102(b) as being anticipated by Hasegawa, U.S. Patent No. 5,534,974.

ARGUMENT

I. Rejection Under 35 U.S.C. §102

A. Applicable Law

To anticipate a claim under 35 U.S.C. 102, a reference must teach every element of

the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

B. Rejection of claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 under 35 U.S.C. §102(b)

Because the Hasegawa reference fails to teach each and every element of the claims, the rejection of claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 under 35 U.S.C. 102(b) is not correct and should be withdrawn.

Independent claim 1 includes **"defining a target pass code associated with a media tray of a network device by selecting the media tray and receiving the target pass code from a user via a user interface associated with the network device,"** and **"restricting access to the media tray to print jobs having a job pass code corresponding with the target pass code."**

Independent claim 30 includes instructions executable by the processor to **"define a target pass code associated with a media tray of a network device by receiving a selection of the media tray and entry of the target pass code from a user via a user interface associated with the network device,"** and **"restrict access to the media tray to print jobs accompanied by a job pass code having a predefined relationship with the target pass code."**

Independent claim 45 includes **"defining a target pass code associated with a media tray of a network device by sensing a characteristic of media in the media tray and automatically setting the target pass code based on the sensed characteristic,"** and **"restricting access to the media tray to print jobs having a job pass code that corresponds with the target pass code."**

With respect to the Hasegawa reference, Appellant submits that this reference does not disclose a method of limiting access to a media tray as claimed in independent claim 1 including, amongst other things and in the combination recited, defining a target pass code associated with a media tray of a network device by selecting the media tray and receiving the target pass code from a user via a user interface associated with the network device, does not disclose a storage device readable by a processor, tangibly embodying instructions

executable by the processor as claimed in independent claim 30 to, amongst other things and in the combination recited, define a target pass code associated with a media tray of a network device by receiving a selection of the media tray and entry of the target pass code from a user via a user interface associated with the network device, and does not disclose a method of limiting access to a media tray as claimed in independent claim 45 including, amongst other things and in the combination recited, defining a target pass code associated with a media tray of a network device by sensing a characteristic of media in the media tray and automatically setting the target pass code based on the sensed characteristic.

The Hasegawa reference provides that "[t]he controller 100 assigns an identification (ID) to each user so as to discriminate between a plurality of users" (Hasegawa, col. 4, lines 21-22) or that "[t]he controller 100 may instead be connected to a network system having a server which assigns an ID to each of the users connected to the network system" (Hasegawa, col. 4, lines 25-28). Furthermore, the Hasegawa reference provides that during the routine, "it is determined whether or not the registered occupying user ID coincides with the tray selection ID included in the job instruction" (Hasegawa, col. 5, lines 12-14; see S12 in Figs. 4-7).

Thus, to the extent the Examiner considers the "registered occupying user ID" of the Hasegawa reference to be a target pass code, as recited in Appellant's independent claims 1, 30, and 45, and considers the "tray-selection ID" (added to a head of job data or included in the job instruction) of the Hasegawa reference to be a job pass code, as recited in Appellant's independent claims 1, 30, and 45, Appellant notes that the "registered occupying user ID" of the Hasegawa reference is *assigned by the controller* or *assigned by a server* of a network system to which the controller is connected. As such, Appellant submits that the Hasegawa reference does not disclose defining a target pass code associated with a media tray of a network device by selecting the media tray and receiving the target pass code from a user via a user interface associated with the network device or by receiving a selection of the media tray and entry of the target pass code from a user via a user interface associated with the network device, as recited in Appellant's independent claims 1 and 30, and does not disclose defining a target pass code associated with a media tray of a network device by sensing a characteristic of media in the media tray and automatically setting the target pass code based on the sensed characteristic, as recited in Appellant's independent claim 45.

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For at least the reasons set forth above, Appellant submits that the Hasegawa reference does not teach each and every element of independent claims 1, 30, and 45. Accordingly, Appellant submits that independent claims 1, 30, and 45 are each patentably distinct from the Hasegawa reference and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 3, 4, 6-13, and 50-54 further define patentably distinct claim 1, dependent claims 34-41 further define patentably distinct claim 30, and dependent claims 46, 55, and 56 further define patentably distinct claim 45, Appellant submits that these dependent claims are also patentably distinct from the Hasegawa reference and, therefore, are also in a condition for allowance. Appellant, therefore, respectfully submits that the rejection of claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 under 35 U.S.C. 102(b) is not correct and should be withdrawn, and submits that claims 1, 3, 4, 6-13, 30, 34-41, 45-46, and 50-56 should be allowed.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Jack H. McKinney at Telephone No. (208) 396-4140, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously Presented) A method of limiting access to a media tray comprising:
defining a target pass code associated with a media tray of a network device by
selecting the media tray and receiving the target pass code from a user via a user interface
associated with the network device; and
restricting access to the media tray to print jobs having a job pass code corresponding
with the target pass code.
2. (Cancelled)
3. (Previously Presented) The method of claim 1, wherein selecting the media tray
includes loading the media tray.
4. (Previously Presented) The method of claim 1, wherein defining the target pass code
further includes, upon selecting the media tray, requesting a target pass code be entered via
the user interface.
5. (Cancelled)
6. (Original) The method of claim 1, further comprising receiving a print job
accompanied by the job pass code.
7. (Original) The method of claim 6, further comprising, where the print job is not
accompanied by the job pass code, prompting entry of the job pass code.
8. (Original) The method of claim 7, wherein prompting entry of the job pass code
includes prompting display of a message requesting entry of the job pass code on a print job
originator.

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9. (Original) The method of claim 8, further comprising receiving the job pass code from the print job originator.
10. (Original) The method of claim 8, further comprising receiving the job pass code via a control panel associated with the print job originator.
11. (Original) The method of claim 1, wherein restricting access to the media tray includes:
- comparing the job pass code to the target pass code; and
 - permitting the print job access to the selected media tray when the job pass code corresponds with the target pass code.
12. (Previously Presented) The method of claim 1, further comprising:
- receiving a selection of the media tray from a print job originator;
 - sending a message to the print job originator and requesting confirmation of a characteristic of the print job corresponding to the selected media tray; and
 - upon receiving confirmation from the print job originator, setting the job pass code to have a predefined relationship with the target pass code.
13. (Original) The method of claim 12, wherein requesting confirmation of a characteristic of the print job includes broadcasting the characteristic to the print job originator.
- 14-29. (Cancelled)
30. (Previously Presented) A storage device readable by a processor, tangibly embodying instructions executable by the processor to:
- define a target pass code associated with a media tray of a network device by receiving a selection of the media tray and entry of the target pass code from a user via a user interface associated with the network device; and

restrict access to the media tray to print jobs accompanied by a job pass code having a predefined relationship with the target pass code.

31-33. (Cancelled)

34. (Original) The storage device of claim 30, wherein the storage device further embodies instructions executable to receive the print job accompanied by the job pass code.

35. (Original) The storage device of claim 34, wherein the storage device further embodies instructions executable to prompt entry of the job pass code, where the print job is not accompanied by the job pass code.

36. (Original) The storage device of claim 35, wherein instructions executable to prompt entry of the job pass code include instructions to prompt display of a message requesting entry of the job pass code on a print job originator.

37. (Original) The storage device of claim 36, wherein the storage device further embodies instructions executable to receive the job pass code from the print job originator.

38. (Original) The storage device of claim 36, wherein the storage device further embodies instructions executable to receive the job pass code via a control panel associated with the print job originator.

39. (Original) The storage device of claim 30, wherein the instructions executable to restrict access to the media tray includes instructions to:

- compare the job pass code to the target pass code; and
- permit the print job access to the selected media tray when the job pass code has a predefined relationship with the target pass code.

40. (Previously Presented) The storage device of claim 30, further comprising instructions to:

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receive a selection of the media tray from a print job originator;
send a message to the print job originator and request confirmation of a characteristic of the print job corresponding to the selected media tray; and
upon receipt of confirmation from the print job originator, set the job pass code to have the predefined relationship with the target pass code.

41. (Original) The storage device of claim 40, wherein instructions to request confirmation of a characteristic of the print job include instructions to broadcast the characteristic to the print job originator.

42-44. (Cancelled)

45. (Previously Presented) A method of limiting access to a media tray comprising:
defining a target pass code associated with a media tray of a network device by sensing a characteristic of media in the media tray and automatically setting the target pass code based on the sensed characteristic; and
restricting access to the media tray to print jobs having a job pass code that corresponds with the target pass code.

46. (Previously Presented) The method of claim 45, wherein restricting access to the media tray includes restricting access to print jobs having a job pass code that matches the target pass code.

47-49. (Cancelled)

50. (Previously Presented) The method of claim 1, wherein the job pass code includes an alphanumeric string.

51. (Previously Presented) The method of claim 1, wherein the target pass code includes an alphanumeric character string.

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52. (Previously Presented) The method of claim 1, wherein defining the target pass code includes providing a screen prompt on the user interface associated with the media tray.

53. (Previously Presented) The method of claim 1, wherein the user interface comprises a control panel provided on the network device.

54. (Previously Presented) The method of claim 1, wherein the user interface is provided on a network terminal in communication with the network device.

55. (Previously Presented) The method of claim 45, wherein restricting access to the media tray includes restricting access to print jobs having a job pass code that is complementary to the target pass code.

56. (Previously Presented) The method of claim 45, wherein automatically setting the target pass code based on the sensed characteristic includes identifying the media with the target pass code.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.